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Date: August 16, 2006

TO: Dr. Weber

Fax Number: (571) 273-0925

Company: USPTO

Telephone:

Your Reference: 10/815,562

FROM: Joseph R. Baker, Jr.

Telephone: (858) 509-7373

Our Reference: 1034123-000096

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Number of Pages Including Cover: 3

Message

DRAFT - NOT FOR ENTRY IN TO FILE

Proposed Amendments to the Claims.

DRAFT - NOT FOR ENTRY IN TO FILE
Attorney's Docket No. 1034123-000096

In re Patent Application of

Mohamed Zaiou et al.

Application No.: 10/815,562

Filed: March 31, 2004

For: THERAPY FOR MICROBIAL
INFECTIONS

) Group Art Unit: 1653
) Examiner: MITRA, RITA
) Confirmation No.: 5767

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VIA FACSIMILE (1-571-273-0925)

Dear Dr. Weber:

It was a pleasure speaking with you on the afternoon of August 14th. Per our recent telephonic interview, please find some suggested claim language. Claim 22 has been amended as a Markush, however, we would be happy to set forth separate claims as needed.

Warmest regards,

Respectfully yours,

Joseph Baker (Reg. No. 40,900)

PROPOSED AMENDMENTS TO THE CLAIMS:

22. (Currently Amended) A method for inhibiting the growth of a bacterium or yeast comprising contacting the bacterium or yeast with an inhibiting effective amount of a polypeptide selected from the group consisting of:

- a) a polypeptide consisting of amino acid residues 31 to 131 of SEQ ID NO:2 and having 1-10 conservative amino acid substitutions;
- b) a polypeptide consisting of amino acid residues 31 to 131 of SEQ ID NO:2 and having 1-10 additional amino acid residues at the amino-terminus and/or carboxy-terminus, wherein the additional amino acid residues are heterologous to residues 1-30 of SEQ ID NO:2 and/or residues 132-170 of SEQ ID NO:2; and
- c) a polypeptide consisting of amino acid residues X_2 to X_3 , wherein X_2 is an amino acid residue between and inclusive of residues 29-31 of SEQ

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ID NO:2, and wherein X₃ is an amino acid residue between and inclusive of residues 128-131 of SEQ ID NO:2,

~~as cathelin-like peptide or variant consisting essentially of an amino acid sequence as set forth in SEQ ID NO:2 from about amino acid 31 to 131, wherein the cathelin-like peptide or variant is a polypeptide comprises cysteine proteinase inhibitor activity or and/or exhibits antibacterial activity, or a combination thereof.~~

23. (Currently Amended) The method of claim 22, wherein ~~the cathelin-like peptide variant has 1-10 conservative amino acid substitutions between amino acid residues 31-131~~ ~~31 and 131 of SEQ ID NO:2 include 1-5 conservative amino acid substitutions.~~

24. (Cancelled)

25. (New) A method for inhibiting the growth of a bacterium or yeast comprising contacting the bacterium or yeast with an inhibiting effective amount of a polypeptide selected from the group consisting of:

- a) a polypeptide comprising amino acid residues 31 to 131 of SEQ ID NO:2 including 1-10 conservative amino acid substitutions, and excluding:
 - i) residues 1-30 of SEQ ID NO:2 contiguous with the amino terminus of residues 31-131 of SEQ ID NO:2; and
 - ii) residues 132-170 of SEQ ID NO:2 contiguous with the carboxy-terminus of residues 31-131 of SEQ ID NO:2; and
- b) a polypeptide comprising amino acid residues 31 to 131 of SEQ ID NO:2, and excluding:
 - i) residues 1-30 of SEQ ID NO:2 contiguous with the amino terminus of residues 31-131 of SEQ ID NO:2; and
 - ii) residues 132-170 of SEQ ID NO:2 contiguous with the carboxy-terminus of residues 31-131 of SEQ ID NO:2;

wherein residues 31-131 of SEQ ID NO:2 comprise cysteine proteinase inhibitor activity or antibacterial activity, or a combination thereof.

Cancel claims non-elected claims 1, 11, 12 and 14-21, without prejudice or disclaimer.

22. (Currently Amended) A method for inhibiting the growth of a bacterium or

yeast comprising contacting the bacterium or yeast with an inhibiting effective

amount of a polypeptide selected from the group consisting of:

a) a polypeptide consisting of amino acid residues 31 to 131 of SEQ ID NO:2 and having 1-10 conservative amino acid substitutions:

b) a polypeptide comprising amino acid residues 31 to 131 of SEQ ID NO:2 and having 1-10 additional amino acid residues at the amino-

terminus and/or carboxy-terminus wherein the additional amino acid

residues are heterologous to residues 1-30 of SEQ ID NO:2 and/or

c) a polypeptide consisting of amino acid residues X₂ to X₃, wherein X₂ is

an amino acid residue selected from the group consisting of residues 29,

30 and 31 of SEQ ID NO:2, and wherein X₃ is an amino acid residue

selected from the group consisting of residues 128, 129, 130 and 131 of

SEQ ID NO:2,

as cathelin-like peptide or variant consisting essentially of an amino acid

sequence as set forth in SEQ ID NO:2 from about amino acid 31-131,

wherein the cathelin-like peptide or variant is a polypeptide comprises

cysteine proteinase inhibitor activity or and/or exhibits antibacterial activity,

or a combination thereof.

23. (Currently Amended) The method of claim 22, wherein the ~~cathelin-like peptide~~

~~variant has 1-10 conservative amino acid substitutions between amino acid residues 31-131~~ ~~31 and 131 of SEQ ID N0:2 include 1-5 conservative amino acid substitutions.~~

24. (Cancelled)

25. (New) A method for inhibiting the growth of a bacterium or yeast comprising

contacting the bacterium or yeast with an inhibiting effective amount of a polypeptide selected from the group consisting of:
a) a polypeptide comprising amino acid residues 31 to 131 of SEQ ID N0:2 including 1-10 conservative amino acid substitutions, and excluding:
i) residues 1-30 of SEQ ID N0:2 contiguous with the amino terminus of residues 31-131 of SEQ ID N0:2; and
ii) residues 132-170 of SEQ ID N0:2 contiguous with the carboxy-terminus of residues 31-131 of SEQ ID N0:2; and
b) a polypeptide comprising amino acid residues 31 to 131 of SEQ ID N0:2, and excluding:
i) residues 1-30 of SEQ ID N0:2 contiguous with the amino terminus of residues 31-131 of SEQ ID N0:2; and
ii) residues 132-170 of SEQ ID N0:2 contiguous with the carboxy-terminus of residues 31-131 of SEQ ID N0:2; wherein residues 31-131 of SEQ ID N0:2 comprise cysteine proteinase inhibitor activity or antibacterial activity, or a combination thereof.